

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

**DOUGLAS ALBERT,**  
**Plaintiff**

v.

**CITY OF CHICOPEE, et al**  
**Defendants**

C.A. No. 05-30008-MAP

**PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' EXPERT WITNESS**

Now comes the Plaintiff in the above-titled matter in connection with the above-titled matter and moves to strike defendants' named expert witness.

In support of this motion plaintiff states:

1. The court originally designated February 3, 2006 as the date for experts to be designated and reports to be provided;
2. On February 3, defense counsel moved to extend the court's order, and the court ordered that "Defendant's expert's report shall be provided by February 17, 2006. There shall be no further extensions." (See exhibit A)
3. On February 22, 2006 plaintiff's counsel received from defense counsel an envelope postmailed February 21, (see exhibit B) containing a letter (See exhibit C) naming an expert and referring to a resume, said resume which was not enclosed in the letter. There was no written report prepared and signed by the expert witness as mandated by Rule 26 (a) (2) of the Federal Rules of Civil Procedure.

Defense counsel has failed to comply with the disclosure date dictated by the court, and has failed to furnish to provide a written report from the expert witness (David Standen) as required by Rule 26 (a) (2).

Wherefore, defendant moves to strike the expert testimony of David Standen.

Respectfully Submitted

DOUGLAS ALBERT  
By His Attorney

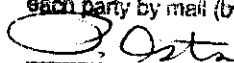


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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above  
document was served upon the attorney of record for  
each party by mail (by hand) on 2/23/06



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**United States District Court**

**District of Massachusetts**

**Notice of Electronic Filing**

The following transaction was received from Neiman, Kenneth entered on 2/7/2006 at 10:07 AM EST and filed on 2/7/2006

**Case Name:** Albert v. Thomas et al  
**Case Number:** 3:05-cv-30008  
**Filer:**  
**Document Number:**

**Docket Text:**

Judge Kenneth P. Neiman : Electronic ORDER entered granting [25] Defendant Michael Thomas' Motion to Amend Scheduling Order. Defendant's expert's report shall be provided by February 17, 2006. There shall be no further extensions. The court's Further Scheduling Order of December 2, 2005, shall otherwise remain in effect. So ordered. (Neiman, Kenneth)

The following document(s) are associated with this transaction:

**3:05-cv-30008 Notice will be electronically mailed to:**

Michael J. Akerson mjakerson@yahoo.com

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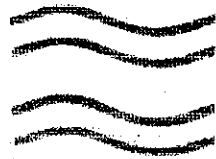
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*Thomas John Rooke*

ATTORNEY AT LAW  
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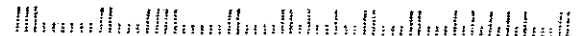
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21 FEB 2006 PM 4 T



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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DOUGLAS ALBERT,  
Plaintiff

v.

CITY OF CHICOPEE, et al  
Defendants

C.A. No. 05-30008-MAP

DEFENDANTS' SELECTION OF AN EXPERT AND NOTICE TO PLAINTIFF

The defendants in the above-entitled matter hereby notify the plaintiff that the defendants have retained David Standen as an expert to testify in support of the defendants' conduct in this case. David Standen resides at 81 Richview Avenue, South Hadley Massachusetts 01075, telephone 413-532-8518. I am attaching a copy of David Standen's resume and it is expected that he will testify that the force used by the Chicopee police officers was reasonable and in compliance with standard techniques taught in police academies and the amount of force was not excessive nor improperly applied by the defendants.

Respectfully Submitted,

CITY OF CHICOPEE


By Its Attorney

  
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Dated: February 17, 2006